

**MINUTES OF THE CITY-COUNTY COUNCIL  
AND  
SPECIAL SERVICE DISTRICT COUNCILS  
OF  
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS  
MONDAY, SEPTEMBER 14, 2015**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:04 p.m. on Monday, September 14, 2015, with Councillor Lewis presiding.

Councillor Scales led the opening prayer and invited all present to join her in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

*29 PRESENT: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew*  
*0 ABSENT:*

A quorum of twenty-nine members being present, the President called the meeting to order.

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor McQuillen recognized Fraternal Order of Police (FOP) president Rick Snyder. Councillor Tew recognized Barbara Lawrence, former City Controller and Town Manager of Speedway. Councillor Evans recognized his son TaShawn and exchange student from Chile, Pedro. Councillor Adamson recognized George Cravey and Mark Torres, community activists.

**OFFICIAL COMMUNICATIONS**

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE  
COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND  
MARION COUNTY, INDIANA

*Journal of the City-County Council*

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, September 14, 2015, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,  
s/Maggie A. Lewis  
President, City-County Council

September 10, 2015

TO PRESIDENT LEWIS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, September 11, 2015 a copy of a Notice of Public Hearing on Proposal No. 217, 2015, said hearing to be held on Monday, September 21, 2015, at 5:30 p.m. in the City-County Building.

Respectfully,  
s/NaTrina DeBow  
Clerk of the City-County Council

August 27, 2015

TO PRESIDENT LEWIS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, NaTrina DeBow, the following ordinances:

FISCAL ORDINANCE NO. 30, 2015 – appropriates \$80,000 in the 2015 Budget of the Department of Metropolitan Development (CRED Fund) for revitalization and economic development in the Lafayette Square district

GENERAL ORDINANCE NO. 45, 2015 – amends the Code to require utilities or their contractors to give notice to the department of public works at least 20 days before performing certain work in a public right-of-way in a residential area, and require the department of public works to post the notice at least 10 days before the work begins

GENERAL ORDINANCE NO. 46, 2015 – amends Sec. 252 of the Code regarding the hiring, promoting and disciplining of firefighters and changing the provision for death leave for firefighters in the non-suppression division

GENERAL ORDINANCE NO. 47, 2015 – amends Sec. 531-401 of the Revised Code regarding general requirements for animal care and treatment

GENERAL ORDINANCE NO. 48, 2015 – authorizes intersection controls at Granner and Kellum Drive (District 11)

GENERAL ORDINANCE NO. 49, 2015 – authorizes intersection controls at Beaconsfield Lane and Shepperton Boulevard (District 7)

GENERAL ORDINANCE NO. 50, 2015 – authorizes a one-way street designation at Washington and Pennsylvania Streets (District 15)

GENERAL ORDINANCE NO. 51, 2015 – authorizes parking restrictions at Washington and East Streets (District 15)

GENERAL ORDINANCE NO. 52, 2015 – authorizes parking restrictions on New Jersey Street between New York and Vermont Streets (District 15)

GENERAL ORDINANCE NO. 53, 2015 – authorizes intersection controls at 39th and Broadway Streets (District 9)

*September 14, 2015*

GENERAL RESOLUTION NO. 12, 2015 – approves expenditures from the community revitalization enhancement district's (CRED) industrial development fund in the amount of \$80,000 to be used by the Lafayette Square Coalition, Inc. (dba International Marketplace Coalition) and Keep Indianapolis Beautiful, Inc. for use within the Lafayette Square CRED

GENERAL RESOLUTION NO. 13, 2015 – approves the statement of benefits for Exploration Center I, LLC and Republic Airways Holdings, Inc., an applicant for tax abatement for property located in an economic revitalization area

GENERAL RESOLUTION NO. 14, 2015 – approves the statement of benefits for Aerodyn Engineering, Inc. and Aerodyn Real Estate, LLC, an applicant for tax abatement for property located in an economic revitalization area

s/Gregory A. Ballard, Mayor

TO THE CLERK OF THE CITY-COUNTY COUNCIL:

Pursuant to the authority vested in the Office of the Mayor by Indiana Code 36-3-4-16, I hereby veto Proposal No. 219, 2015, Fiscal Ordinance No. 31, 2015, presented to me on August 17, 2015, for the reason stated below.

During 2014 budget negotiations, the Council President and Council CFO agreed that when funds became available, we would pay back a \$6.8 million loan made to IMPD from the City's Fiscal Stability Fund. Resources are available to both pay back the Fiscal Stability Fund loan and even fund additional items for IMPD for IMPD from an alternative source – all without placing the City's credit rating at risk. Proposal No. 219, 2015 achieves none of this, and I will not support it.

From the moment I took office, my administration has made financial decisions based on impact decades down the road. I am proud that we have stabilized the city's finances and will leave municipal government in a good position for the next administration. Fiscal stewardship matters. Our residents and businesses live within their financial means, and municipal government must do the same.

For these reasons, I veto Proposal No. 219, 2015.

s/Gregory A. Ballard, Mayor

## **ADOPTION OF THE AGENDA**

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

## **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the Journals of August 17, 2015. There being no additions or corrections, the minutes were approved as distributed.

## **PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS**

PROPOSAL NO. 291, 2015. The proposal, sponsored by Councillors Hickman and Adamson, recognizes Engaging Next Generations in Neighborhoods Everywhere and the Purpose Park. Councillor Hickman read the proposal and presented representatives with copies of the document and Council pins. Erin Mahern and Sarah Rapier thanked the Council for the recognition. Councillor Hickman moved, seconded by Councillor Adamson, for adoption. Proposal No. 291, 2015 was adopted by a unanimous voice vote.

Proposal No. 291, 2015 was retitled SPECIAL RESOLUTION NO. 39, 2015, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 39, 2015

A SPECIAL RESOLUTION recognizing Engaging Next Generations in Neighborhoods Everywhere and the Purpose Park.

WHEREAS, Engaging Next Generations in Neighborhoods Everywhere (ENGINE) and Keeping Indianapolis Beautiful (KIB) envision an active space where community members and children can gather and meet, a safe place where children can play away from the high traffic streets, and finally transforming beautiful vacant lots. These parks will also serve to preserve the culture of a community; and

WHEREAS, specifically recognizing a Purpose Park recently completed at 58 N. Holmes Avenue, between Washington St. and Ohio St. that is coupled with a 1964 Bonneville public art centerpiece that is reflective of the community and the notion of immigration along the Historic National Road in the 19th and 20th Centuries. Creative place-making on the Westside has led to an Art Showpiece in the Hawthorne Neighborhood; and

WHEREAS, this repurposed Bonneville is the centerpiece to the Purpose Park where a burned-out house once stood in the neighborhood vegetable gardens, a casita, and a decorative seating wall are just a few other features the park holds; and

WHEREAS, the community of neighbors, organizations, funders and volunteers has met its goal of producing accessibility by creating an inviting space for the entire community to utilize; encouraging neighborhood pride through preserving the cultural heritage of the community and sharing it with new generations; and assuring sustainability by utilizing native plants and grasses to reclaim an underutilized lot, while improving the quality of Life by making a safe, welcoming space for neighborhood children and adults to be active and gather; and

WHEREAS, the leaders of the ENGINE Initiative and Nopal Cultural Center, both based in the community, envision the park as a space for family and arts activities; and both groups worked with KIB to create the space. Designer Wil Marquez of w/purpose designed the space to honor the cultural heritage of the neighborhood and created a community gathering space; and

WHEREAS, this project was made possible by generous help from Indianapolis Power & Light Company (IPL); w/purpose; ENGINE Initiative; Indianapolis Fabrications; Nopal Cultural Center; People for Urban Progress-5x5:REPURPOSE; Central Indiana Community Foundation (CICF); Christel DeHaan Family Foundation and the Efroymson Family Fund; Indy Pic-A-Part, Zore's Inc.; Church Brothers Collision Repair; House of the Little Flower; and many volunteers; and

WHEREAS, KIB's IPL Project GreenSpace is a partnership with neighborhood-based organizations to help eliminate blight and revitalize public spaces. Sponsored by IPL, and with support from the City of Indianapolis, this program connects people to nature, creating vibrant places rooted in the community, and building lasting value by working together. Committed to fashioning vivacious areas around the community, IPL Project GreenSpace is a grassroots effort that transforms vacant lots and underused spaces into natural, beautiful, and functional pocket parks and greenspaces for neighborhoods; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes Engaging Next Generations in Neighborhood Everywhere and the Purpose Park.

SECTION 2. The Council thanks ENGINE and the KIB for their dedication to the beautification of the neighborhoods in Indianapolis.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 292, 2015. The proposal, sponsored by Councillors Cain and Mansfield, recognizes Hope Academy Charter School on its 10th Anniversary. Councillor Cain read the proposal and presented representatives with copies of the document and Council pins. Marissa Manlove, board member, thanked the Council for the recognition. Councillor Cain moved,

seconded by Councillor Mansfield, for adoption. Proposal No. 292, 2015 was adopted by a unanimous voice vote.

Proposal No. 292, 2015 was retitled SPECIAL RESOLUTION NO. 40, 2015, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 40, 2015

A SPECIAL RESOLUTION recognizing Hope Academy Charter School on its 10<sup>th</sup> Anniversary.

WHEREAS, Hope Academy, the recovery high school at Fairbanks, is a tuition-free Charter School dedicated to students who have had primary treatment for alcohol or drug addiction, or are in recovery and engaged in a recovery-based lifestyle; and

WHEREAS, in the United States, 80% of students relapse from recovery upon returning to their high school after having primary treatment for substance abuse. Hope Academy is designed to provide a supportive community for students who want to maintain their sobriety throughout their lifetime; and

WHEREAS, as the only recovery high school in Indiana, Hope Academy provides opportunities for academic achievement, personal growth, and a supportive community for students to maintain their sobriety and receive a Core 40 diploma. It is one of only three recovery high schools in the United States that is accredited by the Association of Recovery Schools; and

WHEREAS, a recent study shows that students with 200 or more days of sobriety have shown more than a 40% increase in their grade point average. Of the students enrolled at Hope Academy for at least one year, approximately 89% have shown growth in their standardized test scores for reading; and

WHEREAS, during the 2014-2015 academic year, Hope Academy's student body collectively achieved 8,442 days of sobriety. Additionally, the 2015 graduating class collectively achieved 2,300 days of sobriety and 100% of the class enrolled in post-secondary education at Indiana University Purdue University - Indianapolis (IUPUI) and Ivy Tech Community College; and

WHEREAS, Hope Academy proudly celebrates its 10<sup>th</sup> Anniversary this school year, having 112 graduates since 2006; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes Hope Academy Charter School on its 10<sup>th</sup> Anniversary.

SECTION 2. The Council heartily congratulates Hope Academy for ten years of recovery service to the youth, and wishes it and its students continued growth and success.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 278, 2015. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the operating and maintenance budgets and tax levies of the Indianapolis Airport Authority and establishes appropriations for said municipal corporation for 2016"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 279, 2015. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the operating and maintenance budgets

and tax levies of the Capital Improvement Board of Managers and establishes appropriations for said municipal corporation for 2016"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 280, 2015. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the operating and maintenance budgets and tax levies of the Health and Hospital Corporation and establishes appropriations for said municipal corporation for 2016"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 281, 2015. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the operating and maintenance budgets and tax levies of the Indianapolis Public Transportation Corporation (IndyGo) and establishes appropriations for said municipal corporation for 2016"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 282, 2015. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the operating and maintenance budgets and tax levies of the Indianapolis-Marion County Public Library and establishes appropriations for said municipal corporation for 2016"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 283, 2015. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves an amendment to the declaratory resolution for the Tibbs Avenue Redevelopment Area to terminate the allocation provisions of the declaratory resolution and terminate the allocation area"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 284, 2015. Introduced by Councillors Lewis and Osili. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which approves the issuance of Economic Development Tax Increment Revenue Bonds in an amount not to exceed \$75 million to fund certain infrastructure improvements within the Consolidated Redevelopment Allocation Area commonly known as 16 Tech"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 285, 2015. Introduced by Councillor McQuillen. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which replaces the funding mechanism of Fiscal Ordinance No. 8, 2015 by appropriating \$4.7 million from the City Cumulative Capital Fund and reducing the appropriation in the amount of \$4.7 million from the IMPD General Fund to the Department of Public Safety, Indianapolis Metropolitan Police Department"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 286, 2015. Introduced by Councillor Freeman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Sec. 261-304 of the Code limiting the authority of the Fleet Services Division of the Department of Public Works with respect to acquisition of public safety vehicles"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 287, 2015. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a speed limit reduction on Boyd

Avenue, between East Troy Avenue and East Perry Street (District 19)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 288, 2015. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of Indiana Storm Water Revenue Bonds and, if necessary, one or more series of bond anticipation notes, in an aggregate principal amount not to exceed \$50 million for various stormwater projects in Marion County"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 289, 2015. Introduced by Councillors Freeman, McQuillen and Sandlin. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to revise the stormwater fee applicable to qualified residential properties"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 290, 2015. Introduced by Councillor Tew. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code by adding a new Sec. 621-129 regarding parking at Blue Indy locations"; and the President referred it to the Public Works Committee.

### **SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 293, 2015, PROPOSAL NO. 294, 2015, PROPOSAL NO. 295, 2015, PROPOSAL NOS. 296-297, 2015, PROPOSAL NOS. 298-301, 2015 AND PROPOSAL NOS. 302-308, 2015. Introduced by Councillor Robinson. Proposal No. 293, 2015, Proposal No. 294, 2015, Proposal No. 295, 2015, Proposal Nos. 296-297, 2015, Proposal Nos. 298-301, 2015, and Proposal Nos. 302-308, 2015 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on August 10 and September 4, 2015. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 69-84, 2015, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 69, 2015.

2015-ZON-026

8805 PENDLETON PIKE (APPROXIMATE ADDRESS)

LAWRENCE TOWNSHIP, CD #12

STORAGE OF AMERICA, LLC, by Joseph D. Calderon requests Rezoning of 2.72 acres from the D-7 and C-5 districts to the C-S classification to provide for a self-storage facility.

REZONING ORDINANCE NO. 70, 2015.

2014-ZON-008

211, 217 and 221 North Reisner Street and 1525, 1535, 1540 and 1543 West Ohio Street (Approximate Address)

CENTER TOWNSHIP, CD #15

Westside Pentecostal Assembly Church, by Anthony Oliver requests Rezoning of two acres, from the D-8 (RC) (W-5) and SU-1 (RC) (W-5) districts to the SU-1 (RC) (W-5) classification to provide for religious uses.

REZONING ORDINANCE NO. 71, 2015.

2015-CZN-814

1302-1460, 1634-1636 (EVEN) NATIONAL AVENUE, 1433, 1461-1641

STANDISH AVENUE AND 4133 MATTHEWS AVENUE

PERRY TOWNSHIP, CD #23

UNIVERSITY OF INDIANAPOLIS, by Eugene Valanzano and Joseph M. Scimia request Rezoning of 4.7 acres from the D-5 district to the UQ-1 classification to provide for university uses.

REZONING ORDINANCE NO. 72, 2015.

2015-ZON-026

8805 PENDLETON PIKE (APPROXIMATE ADDRESS)

LAWRENCE TOWNSHIP, CD #12

STORAGE OF AMERICA, LLC, by Joseph D. Calderon request Rezoning of 2.72 acres from the D-7 and C-5 districts to the C-S classification to provide for a self-storage facility.

REZONING ORDINANCE NO. 73, 2015.

2015-ZON-032

1202 SHELBY STREET

CENTER TOWNSHIP, CD #19

TCT FOUR, LLC, by Craig Von Deylen request Rezoning of 0.93 acre from the C-3 classification to the CBD-S district.

REZONING ORDINANCE NO. 74, 2015.

2015-ZON-053

2234 SOUTH WEST STREET (APPROXIMATE ADDRESS)

CENTER TOWNSHIP, CD #19

BEN SINGH BASHAL requests Rezoning of 3.3 acres from the D-5 (FF) and I-3-U (FF) districts to the C-7 (FF) classification to provide for a commercial truck driving school.

REZONING ORDINANCE NO. 75, 2015.

2015-ZON-056

1615 NORTH NEW JERSEY STREET

CENTER TOWNSHIP, CD # 9

RANDY MCGLOTHLIN requests Rezoning of 0.14-acre from the C-4 district to the D-8 classification.

REZONING ORDINANCE NO. 76, 2015.

2015-CZN-817

2205 NORTH DELAWARE STREET

CENTER TOWNSHIP, CD #15

CEDARVIEW MANAGEMENT CORPORATION, by Jason E. McNiel and Timothy E. Ochs request Rezoning of 0.80 acre from the C-3 district to C-S classification to provide for a four-story, 60-foot tall (maximum), 90,000-square foot mixed-use development, with a parking garage, and with a maximum of 47 dwelling units and 8,850 square foot of retail area and 83 parking spaces.

REZONING ORDINANCE NO. 77, 2015.

2015-CZN-818

9215 KERWOOD DRIVE

WASHINGTON TOWNSHIP, CD #3

MICHAEL L. STILLER AND CELESTE F. STILLER, by Mark Gradison request Rezoning of 4.51 acres from the D-A district to the D-1 classification to provide for the development of three lots.

REZONING ORDINANCE NO. 78, 2015.

2015-ZON-027

140 SOUTH COLLEGE AVENUE (APPROXIMATE ADDRESS)

CENTER TOWNSHIP, CD #19

BLUE DEVIL PROPERTIES, INC., by David Kingen and Justin Kingen request Rezoning of 0.95 acre from the C-ID and I-4-U Districts to the CBD-S classification to provide for all CBD-2 uses, micro-brewery, with outdoor dining and drinking, outdoor entertainment, and the parking and storage of party buses.

REZONING ORDINANCE NO. 79, 2015.

2015-ZON-036

8205 SPRING MILL ROAD AND 234 WEST 82<sup>ND</sup> STREET (APPROXIMATE ADDRESS)

WASHINGTON TOWNSHIP, COUNCIL DISTRICT #3

82 SPRING MILL LLC, by Nick Churchill requests Rezoning of 6.79 acres from the D-1 District to the D-P classification to provide for eleven dwelling units, at a density of 1.62 units per acre, on a gated private street.

REZONING ORDINANCE NO. 80, 2015.

2015-ZON-040

6250 ROCKVILLE ROAD (APPROXIMATE ADDRESS)



*September 14, 2015*

WAYNE TOWNSHIP, COUNCIL DISTRICT #13

ROBERT A. AND PATRICIA K. PRICE, by David Kingen and Justin Kingen request Rezoning of 0.36 acre from the D-2 District to the C-1 classification to provide for office uses.

REZONING ORDINANCE NO. 81, 2015.

2015-ZON-051

7420 MICHIGAN ROAD (APPROXIMATE ADDRESS)

PIKE TOWNSHIP, CD #2

FRENCH PROPERTY MANAGEMENT, by Brian J. Tuohy request Rezoning of 4.11 acres from the C-4 district to the C-S classification to provide for a self-storage facility and C-4 uses.

REZONING ORDINANCE NO. 82, 2015.

2015-ZON-055

1623 NORTH NEW JERSEY STREET

CENTER TOWNSHIP, CD #9

PATRICK MIKUSKY requests rezoning of 0.09 acre from C-4 to D-8.

REZONING ORDINANCE NO. 83, 2015.

2015-CZN-812

501 EAST 38TH STREET (APPROXIMATE ADDRESS)

CENTER TOWNSHIP, CD #9

MAS REALTY, by David Kingen and Justin Kingen request Rezoning of 0.30 acre from the D-8 (W-5) district to the C-3C (W-5) classification to provide for restaurant, with a drive-through lane.

REZONING ORDINANCE NO. 84, 2015.

2015-CZN-816

6440 WESTFIELD BOULEVARD

WASHINGTON TOWNSHIP, CD #3

MONON CROSSING II, LLC, by Michael Rabinowitch request Rezoning of 0.90 acre from the C-S district to the C-1 classification to provide for office uses.

### **SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 123, 2015. The proposal, sponsored by Councillor Robinson, is a rezoning ordinance for Center Township, District 19, 340 South White River Parkway, West Drive (2014-CZN-835). The proposal was called out for public hearing on May 11, 2015 by Councillor Miller and then postponed by the Council on May 11, June 8, July 13 and August 17, 2015.

Councillor Miller made the following motion:

Madam President:

The petitioners continue to negotiate a resolution of the rezoning case at 340 South White River Parkway, West Drive, and petitioner has consented to a continuance of the hearing scheduled for this meeting.

I, therefore, move that the public hearing on Proposal No. 123, 2015 (Rezoning Docket No. 2014-CZN-835) be postponed and rescheduled for September 28, 2015.

Councillor Adamson seconded the motion, and Proposal No. 123, 2015 was postponed by a unanimous voice vote.

PROPOSAL NO. 211, 2015. Councillor Mansfield reported that the Administration and Finance Committee heard Proposal No. 211, 2015 on September 1, 2015. The proposal, sponsored by Councillors Lewis, Barth and Gray, appropriates \$23,000 in the 2015 Budget of the Information Services Agency (Enhanced Access Fund) to cover costs associated with the public-facing access portal and virtual server for the City-County Council's new legislative management system. By a

6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:31 p.m. There being no one present to testify, Councillor Mansfield moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 211, 2015 was adopted on the following roll call vote; viz:

29 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty, Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson  
0 NAYS:

Proposal No. 211, 2015 was retitled FISCAL ORDINANCE NO. 32, 2015, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 32, 2015

PROPOSAL FOR A FISCAL ORDINANCE amending the City-County Annual Budget for 2015 (City-County Fiscal Ordinance No. 258, 2014) appropriating an additional Twenty Three Thousand dollars (\$23,000) in Character 3 for purposes of the Information Services Agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures, the necessity for which has arisen since the adoption, the City-County Annual Budget for 2015 is hereby amended to reflect additional appropriations hereinafter stated for purposes of the Information Services Agency, as listed in sections 2 through 5.

SECTION 2. Appropriates \$23,000 from the Enhanced Access Fund for the purposes of covering the costs associated with the City-County Council's new legislative management system.

The following additional appropriation is hereby approved:

<b>FUND</b>	<b>CHAR 1</b>	<b>CHAR 2</b>	<b>CHAR 3</b>	<b>CHAR 4</b>	<b>CHAR 5</b>	<b>TOTAL</b>
Enhanced Access Fund	0	0	23,000	0	0	23,000

SECTION 3. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 4. Upon approval of this, and other pending approvals, the 2014 year end and projected 2015 year end fund balances are as follows:

<b>FUND</b>	Projected 2014 Year-End balance	Projected 2015 Year-End balance
Information Services Fund	1,293,811	1,192,071

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 220, 2015. Councillor Adamson reported that the Public Works Committee heard Proposal No. 220, 2015 on July 23 and August 27, 2015. The proposal, sponsored by Councillor Adamson, approves a transfer of \$1,344,956 and additional appropriation of \$4,968,362 in the 2015 Budget of the Department of Public Works (Solid Waste Disposal and Collection Funds) to meet contractual obligations of a third party trash collection vendor and to

obtain additional trash receptacles. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Barth asked if these are new receptacles. Councillor Adamson responded in the affirmative, and said that they are additional receptacles needed.

The President called for public testimony at 7:34 p.m.

Larry Vaughn, citizen, stated that he spoke with both sanitation companies and they buy their own receptacles. These are multi-billion dollar corporations that do not need the city's help paying for receptacles. The city should not be subsidizing Waste Management and Republic, just as they should not be subsidizing Blue Indy. He said that this is \$6 million that could be used for something more important, and instead it will probably be diverted to fund Blue Indy. He said that backroom deals are being cut in a collusion to squander taxpayer dollars. He said that elections are coming up in two months, and he encouraged the public to show their disapproval for these types of actions.

Councillor Sanders said that some of the money goes to the two outside vendors, but the department actually bid on part of the project. While the outside vendors do buy their own receptacles, part of this money will go toward the department of public works' (DPW) portion of the contract to purchase receptacles. Mr. Vaughn said that these private corporations do not need \$6 million.

Councillor Adamson agreed with Councillor Sandlin and said that there are two things being funded. Some of the funds will be used for contractual obligations, and a smaller portion is for receptacles that stay in DPW. He said that they assured the department that the Council would not support a misdirection of these funds into Blue Indy.

Councillor Simpson asked Council chief financial officer (CFO) Bart Brown to clarify what this money is for. Mr. Brown said that Councillors Adamson and Sandlin are correct that the bulk of this money is to pay the vendors, as there are three contracts and districts. One district is managed by Waste Management, one by Republic, and one by DPW. They were not fully funded to pay those contracts, and this will make up the difference on payments due the contractors and for containers for DPW.

Councillor Miller said that he understands Mr. Vaughn's concern, but this money was specifically targeted to pay these expenses and could not be appropriated for Blue Indy unless it came through the Council. He asked if there could be potential, however, for a unilateral move of these funds. Councillor Adamson said that this is the problem they have been having, and all this Council can do is approve the best public policy they can, but they cannot control the widespread theft that has been taking place by this administration, and can only do what they think is right. Councillor Miller asked if the Council will know where this money went after it is appropriated and if an audit would show that. Mr. Brown said that this particular fund is restricted for the use of collection of refuse only, so it can only be used for that purpose, and there is an annual audit of that fund.

Wade Coleman, citizen, asked if there is a possibility that these monies might be allocated somewhere else. He said that public safety dollars have been misallocated to Blue Indy, and he asked what guarantee they have that this will not happen again. Mr. Brown said that the Council cannot guarantee that 100%, however, based on history for this fund, every administration has spent the money exactly the way it is meant to be spent. Because it is a restricted fund, there is

no reason to believe it would be spent on any other purpose than what was appropriated. Mr. Coleman said that he thinks they have every reason to believe it could happen based on past performance, and he does not know how no criminal charges have been filed when money has been taken like this for other uses.

Councillor Mansfield stated that it is important that citizens realize that public testimony is for public comment only and not a question and answer session.

Councillor Barth asked if any of this will be used to fund the Covanta recycling deal. Mr. Brown said that the testimony was that both contracts were extended for a 10-year period and this also covered the cost of receptacles. There was no testimony regarding Covanta, and no doubt that DPW did negotiate to have the cost of receptacles covered.

There being no further testimony, Councillor Adamson moved, seconded by Councillor Miller, for adoption. Proposal No. 220, 2015 was adopted on the following roll call vote; viz:

21 YEAS: Adamson, Cain, Freeman, Gooden, Gray, Hickman, Hunter, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Shreve, Simpson, Tew  
8 NAYS: Barth, Clay, Evans, Holliday, Jackson, Lewis, Lutz, Scales

Proposal No. 220, 2015 was retitled FISCAL ORDINANCE NO. 33, 2015, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 33, 2015

PROPOSAL FOR A FISCAL ORDINANCE transferring \$1,344,956 and appropriating an additional \$4,968,362 in the 2015 Budget of the Department of Public Works, to meet contractual obligations of a third party trash collection vendor and to obtain additional trash receptacles.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures, the necessity for which has arisen since the adoption, the City-County Annual Budget for 2015 is hereby amended to reflect additional appropriations hereinafter stated for purposes of the Department of Public Works.

SECTION 2. Transfers \$1,344,956 from the Solid Waste Disposal Fund to Solid Waste Collection Fund. Additional appropriation of \$4,968,362 to the Solid Waste Collection Fund.

The following additional appropriation is hereby approved:

<b>FUND</b>	<b>CHAR 1</b>	<b>CHAR 2</b>	<b>CHAR 3</b>	<b>CHAR 4</b>	<b>CHAR 5</b>	<b>TOTAL</b>
Solid Waste Disposal Fund (15401)	0	0	(1,344,956)	0	0	(1,344,956)
Solid Waste Collection Fund (15351)	0	0	6,100,318	213,000	0	6,313,318

SECTION 3. Upon approval of this, and other pending approvals, the 2014 year end and projected 2015 year end fund balances are as follows:

<b>FUND</b>	Projected 2014 Year-End balance	Projected 2015 Year-End balance
Solid Waste Disposal Fund (15401)	433,727	1,230,440
Solid Waste Collection Fund (15351)	8,481,984	950,406

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

### **SPECIAL ORDERS - UNFINISHED BUSINESS**

PROPOSAL NO. 219, 2015. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 219, 2015 on July 22, 2015. The proposal, sponsored by Councillor Lewis, replaces the funding mechanism of Fiscal Ordinance No. 8, 2015 by appropriating \$4,700,000 in the 2015 Budget of the Department of Public Safety, IMPD (City Cumulative Capital Fund) and reducing the appropriation in the same amount from the IMPD General Fund. By a 9-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended; it was adopted by the Council on August 17, 2015, and subsequently vetoed by the Mayor on August 28, 2015.

Councillor Moriarty Adams said that this is the second time this proposal has been visited, and after conversations with the attorney, it was deemed that the controller moving this money from the IMPD Fund to the Fiscal Stability Fund (FSF) was illegal. This money was raised through the public safety income tax, which was not increased in order to be transferred to the FSF, but was intended to equip IMPD and other public safety agencies. She urged her colleagues to vote to override the proposal.

Councillor Moriarty Adams moved, seconded by Councillor Barth, to override the Mayor's Veto. MMA move to override/Barth & Adamson 2<sup>nd</sup>

Councillor Mansfield said that the vote out of Council was 25-4 and was very bi-partisan. She said that she finds it very upsetting that once again the administration goes against what the State law allows them to do. This is an illegal use of funds at the most, and a misuse of funds like with the cricket field. She said that they are not funding what they need to fund, and they need to support the override and take care of this city's police officers.

Councillor Freeman said that he has worked on this issue for the last seven days. He does not disagree that there clearly could have been a better way to have done this. He has serious heartburn and concerns about the way the Mayor went about this, but if they vote to override this, he fears they will be left with a police force without funding for police vehicles, a firing range and academy. He said that the police have been caught in the middle of a political football game, as a game will continue to be played with these funds until the end of the year. He said that he has pushed the administration to create a memorandum of understanding (MOU) outlining their commitment to spend and transfer dollars as per a new proposal introduced this evening by Councillor McQuillen. He said that they would transfer money from the Cumulative Fund to pay for cars, the FSF would be repaid, and \$4.7 million would be spent right away to help secure this city's police force. He feels that this is the best compromise at this time. This Council could override the veto, but he believes they would be right back here having this same conversation. He said that he does not agree with the way this went down, but he believes it is the best way to handle it, and he asked his fellow caucus members not to vote to override the Mayor's veto.

Councillor Adamson said that he is all for making sure police officers have the tools and resources they need, but this Mayor should not be allowed to make a mockery of the rules and procedures in place to protect taxpayers' funds. He said that the Cumulative Fund has become a way for the Mayor to do whatever he wants, hence the "Cops, not Crickets" outcry of the public. He said that an MOU is an interesting proposal, but as he understands it, the Mayor did not sign it, and it is signed by the controller on behalf of the Mayor. This is the same controller who illegally moved these funds in the first place.

Councillor Miller said that he has been so angry, even screaming at the administration a few days ago, and the whole thing has been handled immaturely up until this point. He has had multiple phone calls and texts from folks asking how to stop this, and he feels that if the Council overrides this veto, it will not stop. He said it will continue on a cycle of vote, veto and override through the end of the year. He said that the MOU has been signed, and there is no reason to be suspect that the funds would be used for other than testified. The MOU also says that 155 police officers will be hired, and they will be getting everything they have been asking for the \$4.7 million to be used for. He said that he asked several tough questions, including if IMPD's budget would be reduced for anything else or it would go toward extra overtime for officers, and he was assured that would not happen. He said that this is unbelievably painful, but he believes the MOU is the only way to move forward.

Councillor Hickman asked if the veto is overridden, if cars can be ordered tomorrow. Mr. Brown said that technically it becomes law and IMPD will have the appropriation and cash to order cars. They could transfer the money to be used elsewhere in the budget, but this would be a flat-out violation of the ordinance. Councillor Hickman said that they cannot trust what has been agreed to on paper, and it would be irresponsible not to override.

Councillor Mascari said that if their experiences with the cricket field, Blue Indy and Vision Fleet have taught them anything, it is that the Cumulative Fund can be spent however the Mayor wants. If this goes on until January, then the next mayor can take care of it.

Councillor McHenry asked when the public safety tax kicked in. Mr. Brown said that it began in January, 2015. Councillor McHenry asked when the city will actually be able to start using those revenues. Mr. Brown said that they have a really good estimate as to how much will come in, and they are receiving the money now. Councillor McHenry asked how much has been received since January. Matthew Kimmick, City Controller, Office of Finance and Management (OFM), said that they have received approximately eight months of that anticipated distribution, but he does not know the exact amount.

Councillor Jackson said that she is confused as to why they have been asked to sign an MOU, when the proposal has already been approved. She said that they collected the money and does not understand why they are now wanting to do an MOU. She said that this action is illegal. This body is elected, and they are the only ones who can authorize the transfer of money. If they do not authorize it, that is illegal. She said that they need to override this veto.

Councillor Lutz asked if they override the veto and appropriate this money, if there is no requirement in the law that the Mayor spend it as this body has appropriated it. Mr. Brown said that there is not. Councillor Lutz said that the newly introduced proposal by Councillor McQuillen, along with the MOU, gives the Fraternal Order of Police (FOP) everything they have been asking for and insures they get their money, so he will not support the override.

Councillor Simpson said that it is appalling to ask this body to sign an MOU, when they asked a long time ago for money for IMPD officers and cars. He said that they cannot trust the 25<sup>th</sup> floor, and they still do not have additional officers or patrol cars, but now have Blue Indy cars. He said that officers are riding in cars that pre-date him. He said that the controller has signed this MOU, but this is not his job, and his job is to make sure funds go where they should.

Councillor Freeman said that he does not necessarily agree with a lot of the comments made, and he is not a cheerleader for the Mayor on the way he has done things this past year. But at the end

of the day, they need 155 officers on the street in safe cars, and he is just trying to solve the problem. He said if the Council overrides the veto, they will be back where they started. He said that the Council is not being asked to sign anything; his request is that the administration sign it and agree to it. He did not ask President Lewis or anyone else to sign the document. He said that the purpose of the MOU is to receive an assurance from the Mayor's office to abide by this agreement.

Councillor Gray said that if they vote to override, the money would be available in the next few minutes, and they would not have to start all over again.

Councillor Moriarty Adams asked if 155 officers is net attrition. Mr. Kimmick said that it is the gross number of officers hired in 2015. Councillor Moriarty Adams said that the net would be about 115 officers, then, taking into account attrition. Mr. Kimmick said that this is possible.

Councillor Clay asked if the Council overrides this veto, if the controller acknowledges these funds would be readily available to be utilized to purchase the vehicles the police department has been talking about. Mr. Kimmick said that he would recognize that those funds would be available. Councillor Clay said that if they accept what the controller is saying, the remedy is to use the override so that these funds can be used for the purposes intended by the proposal.

Councillor Sandlin said that he voted in favor of the proposal originally, because he saw no other avenue to get these much-needed funds to officers. However, he will now vote against the override because there is a new way to fund the \$4.7 million request for IMPD, as well as re-stabilize the FSF. He said that he also does not like the way it was handled, but is glad there is now an avenue available to do both.

Councillor Hickman said that she is confused. This was vetoed, but these funds are restricted back into public safety. The MOU goes into a fund that is not restricted that is spent as the Mayor chooses, and he has shown a history of robbing Peter to pay Paul. Mr. Brown said that this is correct, and the appropriation out of the IMPD Fund can only be spent on IMPD. Out of the Cumulative Fund, there are several options, including capital improvements and this fund has many less restrictions than the IMPD Fund. Councillor Hickman said that they are again at the will of someone else.

President Lewis stated that the controller has already spoken as to how the process works if the veto is overridden.

Councillor Hunter said that moving this appropriation forward does not mean they can force that expenditure for a particular reason. An override and ultimate appropriation does not mean they will spend it, because they want to pay back the FSF; and therefore, they will not spend it, because they think it is an appropriate expenditure to pay back the FSF. He said that the MOU will insure the exact things they all want, and he thanked Councillor Freeman for negotiating this, as he believes it is just creative enough to actually work.

Councillor Adamson said that the Cumulative Fund has more latitude to be used for capital projects like the cricket stadium and a hula hoop park. Mr. Brown said that those would be eligible expenditures out of the Cumulative Fund. Councillor Adamson said that he does not want to see these funds go to that, and the safest thing is to override this veto and stick to their passage of the proposal.

Councillor Miller asked if the Mayor can, whether it is legal or not, move money out of other IMPD funds into the FSF. Mr. Brown said that physically, the controller has the ability to do so, but they could file a lawsuit. However, he could technically do so tomorrow and there would be nothing they could do to stop it.

Councillor Mascari urged his fellow Councillors to do the right thing. Councillor Lutz stated that Councillor McQuillen's introduced proposal gives them the mechanism to do just that, and he cannot imagine the Mayor would go against a promised MOU.

Councillor Robinson moved, seconded by Councillor McQuillen, to call the question and end debate on the motion to override. The motion failed on the following roll call vote; viz:

*11 YEAS: Adamson, Cain, Evans, Gooden, Holliday, Mascari, McQuillen, Miller, Robinson, Shreve, Simpson*  
*18 NAYS: Barth, Clay, Freeman, Gray, Hickman, Hunter, Jackson, Lewis, Lutz, Mansfield, McHenry, Moriarty Adams, Oliver, Osili, Pfisterer, Sandlin, Scales, Tew*

Councillor Pfisterer said that she is agitated because the point is to get this money for IMPD to spend on the things they need, and there is money in the Cumulative Fund to work this out. She said that the reason she was the original sponsor on the original proposal, before it was amended in committee, is because the FSF is an asset for the city to secure interest rates to borrow against. She said that she is in favor of spending the money out of the Cumulative Fund, not the FSF, and she cannot support the override.

Councillor McHenry said that the firing range is in desperate need of repairs, safer cars are needed, and more police officers are needed. These are critical. There are only so many officers that can logistically be added per year, and a net of 115 is a good number. She said that the gun range is used daily, and they need these things to keep the city safe. She said that they need to make sure this money is spent this year instead of continuing to bat it back and forth.

Councillor Clay asked what parties the MOU is between. Fred Biesecker, General Counsel, said that he has not seen the MOU, but it sounds like at this time the only signature on it is the controller's. Councillor Clay asked if it is a binding document on this legislative body or has any authority. Mr. Biesecker said that he was not a party to it, but an MOU is not binding on the Council. Councillor Clay asked if President Lewis has been asked to sign the MOU. President Lewis said that she has not seen the MOU. She said that she believes it is to eventually be signed by herself and the Mayor.

Councillor Barth said that what people cannot stand is this political bickering in light of the great needs of this city. He said that this Council has done its job and took the political hit of passing a public safety tax, finding money to train and equip officers, instead of playing games. One person is stopping them, and that is Mayor Gregory Ballard. He is stopping this city from hiring new officers and getting them equipped and trained. He said that this body needs to do what they can to make sure IMPD is safe and equipped to protect neighborhoods.

Councillor McQuillen said that this is not about impassioned speeches, and by not overriding the veto, they will actually get the job done, finally.

Rick Snyder, president of the FOP, said that no one is more frustrated than he is, as their officers live this day in and day out. He said that nothing has changed except that the situation has gotten worse. No matter how this vote goes, this is not a victory. Both sides are correct. Tax dollars



were increased for this purpose and then unilaterally shifted to another fund and spent on something else. If they override it, whether they like it or not, the mayor does not have to use those funds as appropriated, and they again can be shifted. That leaves them with nothing, and with unsafe conditions. When his own party opposes what the mayor does on the 25<sup>th</sup> floor, it is a clear message that there is a loss and destruction of trust between this body and the administration. He said that while they think it is illegal, they do not have much trust that it will turn out as they intend. The MOU is an attempt to set new events in motion, and although their trust is broken, they have to continue to work to get something done. They asked for it to be put into writing because the trust level is not there, and by having it in writing they can verify it and hold them accountable. He said that some have said an override would mean they could spend this money tomorrow on cars, but he can assure them that no plan is in place to purchase cars tomorrow. He said that the written MOU has been signed by the controller, and it outlines the commitment. They could still back away, but they would be in a better position to take more assertive steps before the end of the year to get these funds. He said that they have to get something done, and this other option puts a possible solution in the works. He said that police officers are political pawns caught in the middle of this, and things will just get worse. He said that he appreciates that this body wants to figure out a way to strengthen public safety.

Councillor Robinson asked who is intended to sign the MOU. Mr. Snyder answered the Mayor and the Council President.

Councillor Scales asked if Mr. Snyder prefers they trust the MOU at this time. Mr. Snyder said that the MOU and this new proposal was not their original preference, but it looks like the only viable solution that exists right now.

Councillor Simpson said that this is not their only option. He said that an MOU to negotiate how tax dollars are used is not the way it works. He said that he does not trust the Mayor or his MOU, and they need to move on and override his veto.

Councillor Oliver asked what the legal application and strength of the MOU is. Mr. Biesecker said that he has not seen the MOU and cannot comment on what it says, but typically MOUs are not binding or legally enforceable. Councillor Oliver said that an MOU disrespects the leadership of this Council. Mr. Snyder would be offended if his rank and file signed an MOU and bypassed him, and an MOU is being used to subvert authority and the responsibility of this Council.

Councillor Hickman said that this is an illegal maneuver, and an MOU is like buying a house without a contract. The controller's job depends on the Mayor liking him and he is the one who signed it. She disagrees that this is a better option, and an MOU creates a new smokescreen that the Mayor again does not have to honor.

Councillor Hickman moved, seconded by Councillor McQuillen, to call the question and end debate. Debate was ended on the following roll call vote; viz:

*23 YEAS: Adamson, Barth, Cain, Clay, Gooden, Gray, Hickman, Holliday, Jackson, Lewis, Mansfield, Mascari, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Scales, Shreve, Simpson, Tew*  
*6 NAYS: Evans, Freeman, Hunter, Lutz, McHenry, Sandlin*

The motion to override the proposal, requiring 20 votes for an override, failed on the following roll call vote; viz:

*15 YEAS: Adamson, Barth, Clay, Gray, Hickman, Jackson, Lewis, Mansfield, Mascari, Moriarty Adams, Oliver, Osili, Robinson, Simpson, Tew*  
*14 NAYS: Cain, Evans, Freeman, Gooden, Holliday, Hunter, Lutz, McHenry, McQuillen, Miller, Pfisterer, Sandlin, Scales, Shreve*

Councillors Freeman, Adamson, Pfisterer and Miller asked for consent to explain their votes. Consent was given. Councillor Freeman said that he was just trying to find a way to get the police what they need with the MOU. Councillor Adamson said that he cannot give the benefit of the doubt to a man who requires an MOU to get him to do what he promises to do, and this is the definition of insanity. Councillor Pfisterer said that she took her name off as sponsor of this proposal because she was not in favor of taking these monies from the FSF. Councillor Miller said he is not giving the Mayor the benefit of the doubt, but he felt there was no other viable choice.

### **SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 146, 2015. Councillor Mansfield reported that the Administration and Finance Committee heard Proposal No. 146, 2015 on June 16, 2015. The proposal was returned to committee by the full Council on July 13, 2015 and then heard again by the committee on August 18, 2015. The proposal, sponsored by Councillor Pfisterer, amends the Code regarding city-county holidays. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Miller asked what the net gain of holidays is. Councillor Mansfield said that the net gain is one holiday, and it starts this year, and agencies indicated they could absorb the cost of the additional holiday this year within their existing budgets.

Councillor Mansfield moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 146, 2015 was adopted on the following roll call vote; viz:

*25 YEAS: Adamson, Barth, Cain, Clay, Evans, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, Miller, Moriarty Adams, Oliver, Pfisterer, Robinson, Scales, Shreve, Simpson, Tew*  
*1 NAY: Sandlin*  
*3 NOT VOTING: Freeman, McQuillen, Osili*

Proposal No. 146, 2015 was retitled GENERAL ORDINANCE NO. 54, 2015, and reads as follows:

#### **CITY-COUNTY GENERAL ORDINANCE NO. 54, 2015**

A PROPOSAL FOR A GENERAL ORDINANCE amending Chapter 291, Article II of the Code regarding city holidays.

#### **BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. Section 291-206 of the "Revised Code of the Consolidated City and County," regarding city holidays, hereby is amended by the addition of the language that is underscored to read as follows:

Sec. 291-206. Holidays.

(a) *Designated.* The following are designated as city and county holidays for full-time and part-time employees:

New Year's Day (January 1st);

Martin Luther King Day (third Monday of January);

~~Presidents Day (third Monday of February);~~

Good Friday (Friday preceding Easter);

Memorial Day (last Monday of May);

Independence Day (July 4th);

Labor Day (first Monday of September);

Veteran's Day (November 11th);

Thanksgiving Day (fourth Thursday of November);

Friday after Thanksgiving;

Christmas Eve (December 24<sup>th</sup>);

Christmas Day (December 25th);

Primary Election Day; and

General Election Day in years with state and municipal elections;

provided; however, that nothing in this ordinance shall prevent the offices of the county clerk, county prosecutor and the courts from designating holidays recognized by the judicial branch.

(b) *Days celebrated as holidays in continuing operations.* In continuing seven-day-a-week operations, employees will observe the actual holiday. For employees who are employed in functions which must necessarily be continued at all times, a policy of compensatory leave or overtime for work on holidays shall be determined by the competent authority of each office in cooperation with the direction of the human resources division of the office of finance and management.

(c) *Days celebrated as holidays in Monday-through-Friday operations.*

(1) In Monday-through-Friday operations, when any of these holidays occur on Sunday, the Monday succeeding shall be designated as the legal holiday. When any holiday occurs on Saturday, the Friday preceding shall be designated as the legal holiday.

(2) *Holiday pay for unworked holiday.* Employees shall receive holiday pay at the employee's regular straight time rate for each of the designated holidays, if the employee is normally scheduled to work on the day that has been designated as a holiday.

(3) a. If a holiday is observed on a day of the week when an employee is not normally scheduled to work due to his/her participation in a voluntary flex time plan, the employee shall receive a maximum eight-hour (seven and one-half-hour where applicable) compensatory day off, which shall be scheduled with the approval of his/her supervisor.

An employee who separates employment shall not receive pay for any unused compensatory days.

- b. If a holiday is observed on a day of the week when an employee is not normally scheduled to work due to a work schedule implemented by the city, the employee shall observe his/her next regularly scheduled day as a holiday and shall receive holiday pay for the number of hours he/she would have been regularly scheduled to work on that day.
- (4) *Pay for working on a holiday.* Eligible employees shall be paid time and one-half in addition to holiday pay for any and all time authorized for work on the day designated as the holiday or compensatory time and one-half off as the case may be.
- (5) *Eligibility for holiday pay.* To be eligible, the employee must work the full scheduled workday before and the full scheduled workday following the holiday, unless the employee is on a paid leave of absence or is receiving worker's compensation. In Monday-through-Friday operations, there shall be no duplication or pyramiding of holiday pay for holidays falling on Saturday or Sunday but which are observed on other days.
- (6) *Failure to report for scheduled work.* Any employee scheduled for work on a day designated as a holiday, who fails to report for work or absents himself or herself for that day, shall not be eligible for holiday pay or compensatory time off as the case may be. Regardless of whether the absence is approved or not, any employee scheduled to work on a holiday, who fails to work that holiday, must use paid leave time to be paid for that day.
- (7) *Temporary employees.* Temporary/seasonal and part-time/ temporary employees do not receive holiday pay.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 216, 2015. Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal No. 216, 2015 on July 27 and August 31, 2015. The proposal, sponsored by Councillors Miller and Cain, approves the statement of benefits for Ingredion, Inc., an applicant for tax abatement for property located in an economic revitalization area. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Miller said that Ingredion does a lot in the community, and these are far from poverty level jobs with the lowest wage over \$20. He asked for support from fellow Councillors.

Councillor Robinson moved, seconded by Councillor Adamson, for adoption. Proposal No. 216, 2015 was adopted on the following roll call vote; viz:

September 14, 2015

26 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mascari, McHenry, Miller, Moriarty Adams, Oliver, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew

0 NAYS:

3 NOT VOTING: Mansfield, McQuillen, Osili

Proposal No. 216, 2015 was retitled GENERAL RESOLUTION NO. 15, 2015, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 15, 2015

PROPOSAL FOR A GENERAL RESOLUTION to approve the statement of benefits of Ingreption, Incorporated and INDOPCO, Inc. (collectively hereinafter referred to as "Applicant"), an applicant for tax abatement for property located in an allocation area as defined by IC 36-7-15.1-26.

WHEREAS, IC 6-1.1-12.1 allows a partial abatement of property taxes attributable to redevelopment, rehabilitation activities or installation of new equipment in Economic Revitalization Areas (each hereinafter referred to as a "Project"); and

WHEREAS, pursuant to IC 6-1.1-12.1, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (hereinafter referred to as "MDC") is empowered to designate Economic Revitalization Areas; and

WHEREAS, IC 6-1.1-12.1 requires an applicant for Economic Revitalization Area designation to provide a statement of benefits and requires the MDC, before it makes a decision to designate the area as an Economic Revitalization Area, to determine that (i) the estimated value of a Project is reasonable for projects of that nature, (ii) the estimated employment at the indicated annual salaries for a Project identified in the statement of benefits can reasonably be expected, (iii) a Project can be reasonably expected to yield the benefits identified in the statement of benefits and (iv) the totality of benefits arising from a Project is sufficient to justify Economic Revitalization Area designation; and

WHEREAS, pursuant to IC 6-1.1-12.1-2(k), a statement of benefits for property located within an allocation area, as defined by IC 36-7-15.1-26, may not be approved unless the City-County Council of Indianapolis and Marion County, Indiana (hereinafter referred to as "Council") adopts a resolution approving the statement of benefits; and

WHEREAS, the Applicant has submitted both a real property and personal property Statement of Benefits to the MDC as part of its application for Economic Revitalization Area designation for property where Applicant's Project will occur, located within an allocation area, as defined by IC 36-7-15.1-26; and

WHEREAS, MDC has preliminarily approved Applicant's Statement of Benefits, pending adoption from the Council, to allow the designation of the Economic Revitalization Area and related tax abatement pursuant to IC 6-1.1-12.1; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Council hereby approves the Statement of Benefits that was submitted to the MDC, as part of the application for Economic Revitalization Area designation, by Ingreption, Incorporated and INDOPCO, Inc.

SECTION 2. This resolution shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 218, 2015. Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal No. 218, 2015 on July 27 and August 31, 2015. The proposal, sponsored by Councillors Robinson, Adamson, Barth and Moriarty Adams, amends the Code by adding a new chapter establishing the Indianapolis-Marion County Community Benefit Program. By a 6-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Clay asked who would handle the disbursement of funds collected. Councillor Robinson said that this would be handled like public purpose grants and they are not creating a new entity and the participating company would grant that money directly. Councillor Clay asked if a company participates, then 1% of the development and construction dollars would go to one of the recipients on that list. Councillor Robinson answered in the affirmative.

Councillor Miller said that he voted for this in the committee with the Chair and sponsor's promise to secure the administration's support before full Council. He said that he likes the idea in concept, but he does not want to unintentionally hurt the business community. He asked Councillor Robinson where he is at with getting the administration's support. Councillor Robinson said that he met with the administration late last week, but cannot speak for them and will let them speak for themselves.

Councillor Gray asked if he were a developer and was required to give 1% of it back, who would choose who he gives it to. Councillor Robinson said that Councillor Gray would decide for himself. Councillor Gray asked if he would just pick a recipient from that list. Councillor Robinson said that there was a list of organizations in the proposal originally, but it was broadened to include other worthwhile entities.

Councillor Freeman said that he is against this proposal because it would mean the city would allocate money to a not for profit and then tell them to give the city back 1% to redistribute. He said that the Marion County Fair Board is opposed to this, as well, and he will be voting against it. Councillor Robinson said that the money does not come back to the city, but goes directly to the entity.

Councillor Cain said that this is forced charity, is an oxymoron and she is in opposition to the proposal.

Councillor Adamson said that it is not forced charity if the companies are receiving a bit of charity to then give a small portion back. He said that he has some concerns with the proposal, but the amendment made in committee helped address some of these by making the organizations eligible for receipt broader. He said that this allows the companies to decide the destination, and they also get a tax benefit, so he plans to support the proposal.

Councillor Robinson said that he is trying to come up with a mechanism to give money back to the poorest of this city's citizens. He said when government gives money to the poor, they call it welfare and charity, but when they give millions to the rich, they call it an incentive.

Councillor Mansfield said that Sec. 271-105 says that donations must be made to improve the quality of life to citizens at or below the poverty level. She asked if this money could now go to Animal Care and Control or Parks to benefit the community as a whole. Councillor Robinson said that those organizations would be eligible. Fred Biesecker, General Counsel, stated that this reads broadly enough to include city or county departments or agencies.

Councillor Hunter said that he is confused about the definition of affordable housing in sub-item (c). He asked who determines this definition. Mr. Biesecker said that this came straight from State law. Councillor Hunter asked if that is from the Internal Revenue Service's (IRS) code. Mr. Biesecker responded in the affirmative and said that the Affordable Housing Association also supports the definition. Councillor Hunter said that the IRS code goes on and on and on defining affordable housing, and his fear is that they have plucked out one sentence for this amendment

that is ambiguous, and he does not understand how to take this sentence. Mr. Biesecker said that this language came directly from the Department of Metropolitan Development (DMD). Councillor Hunter asked what it means and who defines a “particular urgency.” Mr. Biesecker said that he cannot answer that. He said that this is the same language DMD uses for community development block grants (CDBG). Councillor Hunter asked if a 501(c)(3) organization is defined with the same language for CDBGs. Mr. Biesecker said that he cannot say.

Councillor Hunter moved, seconded by Councillor Cain, to return Proposal No. 218, 2015 to committee.

Councillor Mansfield asked if someone from DMD is present to speak to the language they provided. Mr. Biesecker said that the language did not come from DMD, but from their website and CDBG information.

Councillor Miller asked how they can guarantee the money given to Animal Care and Control goes to low income neighborhoods, or that money given to the Parks Department is not used on a park in the affluent Geist area. He said that this seems like a worthy feel-good effort to help a certain targeted group of people, but he is not sure how it will work. He said that he would like to see this explored. Councillor Mansfield said that the money would go to a foundation, not directly to Animal Care and Control.

Councillor Adamson said that this issue has been discussed at great length. He urged his colleagues to oppose the motion to return the proposal to committee.

Councillor Robinson said that 1% of \$1 million is \$10,000, and this would be a one-time donation to benefit the community and improve the quality of life. He said he also opposes the motion to return the proposal to committee.

Councillor Hickman said that she also opposes the motion and this is not much different than when a new business comes into town and a not-for-profit knocks on the door and asks for a donation. This way, a committee can help make those connections.

Councillor Mansfield stated that the subsection (c) definition does not include affordable housing projects and does not seem ambiguous to her.

Councillor McHenry said that Animal Care and Control, the Parks Foundation, and CASA are all marked out and she does not know what is now eligible.

Councillor Hunter said that he has asked everyone to define that definition and the answer is that it was a sentence on a website, but that is not law. He said that this body wants to vote something in without an answer to a definition that the IRS defines in 18 pages. He said that he does not see any urgency that this cannot wait, and it should be cleaned up in committee.

Councillor Mansfield said that these organizations are crossed off, because the terms were set forth to be broader. There is now no list of agencies, because there might be many more organizations than those they can think of that fit criteria one through four. This language allows more entities to benefit from those dollars. She said that she does not believe the definition provided for affordable housing in this instance has to meet the IRS standards, but is just for purposes of this ordinance and does not have to mirror the IRS code. Councillor Hunter said that the language specifically says by provisions of the internal revenue code. He said that anyone

can put their own spin on these definition, and no one can tell him why they are listing a, b and c, other than that it “came off a website.”

Councillor Gray said that he does not understand why some of his colleagues are getting so worked up about this when they just encouraged the members to vote for an MOU that has no legal binding.

Councillor Mansfield said that she has a legal background and education, and this is affordable housing as defined for the city’s own purposes, and then it adds who is served. Mr. Biesecker said that the introduced version did not have an exemption for affordable housing, but they heard from the association against it, and they are the ones who gave him the language, and they are happy with it. Councillor Mansfield asked if it is acceptable for the Council to make their own definitions for purpose of their ordinances. Mr. Biesecker responded in the affirmative.

Councillor Robinson said that the proposals he introduces deal with quality of life issues to help those less fortunate, those with low incomes or living in poverty. This is a one-time benefit to the city. He said that maybe the problem the Republican members have with this language is that they do not understand poverty or low incomes.

Councillor Barth said that he has a masters in social work and the government does not do a good job of focusing on the poor. Poverty has increased dramatically in this city in the last eight years, particularly childhood poverty, and they should do whatever they can to help eradicate it.

Councillor Miller said that it is immature to paint people into boxes and he certainly understands the plight of poverty and low incomes. He said that his real issue is that he was promised that the sponsor would get an agreement from the administration and the business community, and that is the only reason he supported it in committee. He said that he would hope members would rise above throwing insults at one another in their discussions.

The motion to return Proposal No. 218, 2015 to committee failed on the following roll call vote; viz:

*13 YEAS: Cain, Evans, Freeman, Holliday, Hunter, Lutz, McHenry, McQuillen, Miller, Pfisterer, Sandlin, Scales, Shreve*  
*16 NAYS: Adamson, Barth, Clay, Gooden, Gray, Hickman, Jackson, Lewis, Mansfield, Mascari, Moriarty Adams, Oliver, Osili, Robinson, Simpson, Tew*

Councillor Gooden said that he cannot support this proposal as it goes against everything he has ever considered as an appropriate way to govern. He said that if they do not want rich developers coming in and getting tax breaks, then they simply should not approve them. But requiring them to give money to a not-for-profit who meets the city’s criteria just seems an unfair gain.

Councillor Adamson said that the administration always seems to have plenty of money to give to these profit-making companies, but this is a great way to incentivize businesses and involve them in benefitting the disadvantaged in the community. He said that they always seem to find money for sports teams, and this is a way to help the less fortunate.

Councillor Jackson said that she is an executive for a not-for-profit that could possibly receive these funds. She asked if she can be excused from voting to avoid the appearance of a conflict. President Lewis asked for a ruling from counsel. Mr. Biesecker said that it is a tricky rule in Sec. 151-1131(c)(1). He said that if a vote would appear to limit objectivity, the Councillor may



request to abstain. The abstention will be allowed unless it prevents the Council from deciding the matter, in which case the majority can require the Councillor to vote.

Councillor Oliver said that this body should respect any member's right to abstain from voting on a matter where they feel it might appear that they have a conflict.

President Lewis said, seeing no motion to require Councillor Jackson to vote, she will consent to her wish to abstain.

Councillor Robinson moved, seconded by Councillor Adamson, for adoption. The following vote on Proposal No. 218, 2015 was ruled indecisive:

*14 YEAS: Adamson, Barth, Clay, Gray, Hickman, Lewis, Mansfield, Mascari, Moriarty  
Adams, Oliver, Osili, Robinson, Simpson, Tew  
14 NAYS: Cain, Evans, Freeman, Gooden, Holliday, Hunter, Lutz, McHenry, McQuillen,  
Miller, Pfisterer, Sandlin, Scales, Shreve  
1 NOT VOTING: Jackson*

President Lewis said that the matter will remain on the agenda for consideration at the next Council meeting.

PROPOSAL NO. 227, 2015. Councillor Adamson reported that the Public Works Committee heard Proposal No. 227, 2015 on July 23, 2015 and the proposal was postponed in Council on August 17, 2015. The proposal, sponsored by Councillors Adamson and Scales, facilitates the removal of illegally parked Blue Indy cars on Washington Street. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Adamson referred to Council Chief Financial Officer Bart Brown for comments. Mr. Brown said that there have been questions about how this money was transferred into an escrow account and about using current appropriations from the parking meter funds for an installment contract. He said that the full contract is \$6 million over five years, with a short-term note and debt. He said that the board of public works did authorize \$6 million for the contract. Per statute, they can only approve contracts with approved appropriations, which calls the vote of the board into question. He said that they asked about the status of the \$6 million, and were told it was the decision of both parties to put off the funding of escrow for an indeterminate amount of time. However, the Auditor called his office to inform him that the administration was attempting to wire \$6 million to Regions Bank for Blue Indy. However, they do not have an appropriation granted by this body on behalf of Blue Indy, and it was never bid through Public Works. He said that the Council leadership asked the Auditor to hold up that payment. The biggest problem for the administration is that only the Auditor can authorize a payment from a city fund, even though the controller did authorize it. At this point, the payment is being held. Councillor Adamson said that this is a gross violation of trust and the law on multiple fronts. He said that based on the most recent e-mail he has seen from Blue Indy, he interprets that their preference is that rather than go through a franchise agreement, they would like to see the Council make amendments to current contracts for the issues this body would like to see in the agreement. Part of the problem is that many members of this body believe the agreement is invalid and illegal. He said that he does not feel like they are making any headway with Blue Indy to have a legitimate car-share program, which is disappointing, because in essence, it is a valuable endeavor.

Councillor Adamson made the following motion:

Madam Chair:

I move to amend Sections 1 and 2 of Proposal No. 227, 2015 by deleting the language that is stricken-through and adding the language that is underlined, to read as follows:

SECTION 1. The Council requests Blue Indy to remove its ~~demonstration~~ cars from the north side of Washington Street between Pennsylvania and Meridian Streets within ~~90~~ 60 days of the passage of this resolution.

SECTION 2. If Blue Indy has not voluntarily removed its ~~demonstration~~ cars within ~~90~~ 60 days of the passage of this resolution, then the Council will expect the appropriate authorities to enforce Sections 621-122, 621-116(b) and 645-211 of the Revised Code with respect to those vehicles.

Councillor Gray seconded the motion.

Councillor Lutz stated that another individual in his private practice is representing Blue Indy, and to avoid the appearance of an impropriety, he would ask for consent to abstain. Consent was given.

Councillor Scales encouraged her colleagues to vote for the amendment to provide some leverage and make one small step to show that they will not put up with the illegalities in this contract.

Proposal No. 227, 2015 was amended on the following roll call vote; viz:

*21 YEAS: Adamson, Barth, Clay, Freeman, Gray, Hickman, Jackson, Lewis, Mansfield, Mascari, McHenry, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Scales, Shreve, Simpson, Tew*  
*7 NAYS: Cain, Evans, Gooden, Holliday, Hunter, McQuillen, Sandlin*  
*1 NOT VOTING: Lutz*

Councillor Miller said that he has a business owner in his district who is very upset over the loss of parking spaces for his customers. He said that the locations are a real problem and he does not understand how these locations were chosen. He said that he will be introducing a proposal regarding some parking issues and other areas with illegal parking, including other Blue Indy locations, across the city, but they need to find a way to change the communication level between the administration, the Council and the neighborhoods.

Councillor Hickman said that she likes the Blue Indy project, but cannot trust the Mayor to do things legally in the citizens' favor, especially small businesses. She said that if they do not take some stand, then they will be walked on even more.

Councillor Sandlin said that as a law enforcement officer, he believes it is inappropriate to drag the police into this, and he cannot support it.

Councillor Tew said that there are prime parking places sitting empty across this city because the administration took them without changing the ordinance. Most of these affect small businesses, and this proposal would return some of those space to stock. They were taken with no input from neighbors or debate. He said that he assumes the Mayor will veto this, and he thinks they should continue to negotiate with Blue Indy, but they need to do it up front and correctly for it to succeed. He said that the administration has taken what would otherwise be a popular program and mired it in controversy.

Councillor Adamson said that the parking clean-up ordinance Councillor Miller referred to did not exist until these illegally parked Blue Indy cars were brought up. He said that it makes sense to expand the proposal to include all the Blue Indy parking spots. He said that they cannot allow this administration to simply ignore the laws on the books, and they cannot pick and choose which laws they want to follow and the ones they do not. He said that this is not political, because there is bi-partisan opposition to the way this has been handled. He said that he supports electric car-share programs, and knows some Republicans do, too; but there are also people on both sides of the aisle that do not.

Councillor Mansfield said that this is not a Republican versus Democrat issue. There has been overwhelming frustration over the way this administration has approached things to the extent that they have put their own party at odds. She said that this body has to respond to their constituents, but this administration continues to ignore the law, as if they do not have to answer to anyone. When they are called out on it, they basically tell others to just deal with it. She said that she is not on the ballot in November, but she hopes that the Council continues to look at issues and address solutions to benefit the citizens and ask the Mayor to listen instead of acting like a bully.

Councillor Freeman said that he is against the electric car-share program, even though Councillor Hunter tweeted a photo of him sitting in one. He said that he reluctantly sides with Councillor Sandlin. His plan was not to support a budget that has Blue Indy in it. This proposal does not tow all the cars, which he would be in favor of, but only addresses the ones on Washington Street. He said that the police do not need to be put in the middle. The Mayor is in charge of the police, so he will make the call if they are removed or not. It may be well-intentioned, but they do not need to fund the program, and that is where he will fight it. Councillor Adamson said that the Mayor is the one who has put the police in the middle of this, not the Council. He said that he has put them in place illegally, and they are simply asking law enforcement officers to do what they are sworn to do, and that is to uphold the city code.

Councillor Miller said that it is not just other Blue Indy cars that are illegally parked, and they need to go after all of them. He is frustrated with the lack of communication and the process, but the parking ordinance itself is not in line with what people are actually doing in real life, and he feels there are other ways to address this. He asked why they are going after this particular location and not all the others. While he agrees with 95% of what is being said, there are other ways to do this.

Councillor Hunter said that they are putting police in the middle, and this is not what should be done. If they move forward with permits, the legislative body gets in a battle back and forth, and compliance has to issue permits. Now they bring it here and put the law enforcement officers in positions to perform these duties instead of keeping people safe, which is where their focus needs to be.

Councillor Scales said that she likes electric car-sharing programs, but this should have been bid out for a free market reign to bring down the cost. She said that that she does not know of other programs that have been as destructive to public infrastructure like Blue Indy. They were bestowed with tax incentives, right-of-way permits, and prime parking locations violating the law. This is one way to show the administration the Council is serious so that they will finally negotiate with them in good faith.

Councillor Gray moved, seconded by Councillor Adamson, to call the question and end debate. Debate was ended on the following roll call vote; viz:

*24 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Jackson, Lewis, Mansfield, Mascari, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Scales, Shreve, Simpson, Tew*  
*5 NAYS: Hunter, Lutz, McHenry, McQuillen, Sandlin*

Councillor Adamson moved, seconded by Councillor Scales, for adoption, as amended. Proposal No. 227, 2015 was adopted on the following roll call vote; viz:

*17 YEAS: Adamson, Barth, Clay, Gray, Hickman, Jackson, Lewis, Mansfield, Mascari, McHenry, Moriarty Adams, Oliver, Osili, Robinson, Scales, Simpson, Tew*  
*11 NAYS: Cain, Evans, Freeman, Gooden, Holliday, Hunter, McQuillen, Miller, Pfisterer, Sandlin, Shreve*  
*1 NOT VOTING: Lutz*  
*0 ABSENT:*

Proposal No. 227, 2015 was retitled COUNCIL RESOLUTION NO. 48, 2015, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 48, 2015

A COUNCIL RESOLUTION facilitating the removal of illegally parked Blue Indy cars on Washington Street.

WHEREAS, on April 28, 2015, the Mayor announced that construction would begin soon on the first 12 of up to 200 Blue Indy electric car share stations to serve up to 500 electric Blue Indy cars; and

WHEREAS, the Mayor has publicly stated that he intends to take \$6,000,000 (six million dollars) that should be used to repair some of our critically failing infrastructure around the County and give it to Blue Indy to help defray their cost of installation of charging stations; and

WHEREAS, there are 10 Blue Indy cars in the city now for demonstration purposes only, which cannot be used by the general public, but can only be used for test drives with an authorized Blue Indy agent; and

WHEREAS, there are currently five (5) designated “Blue Indy” spaces and charging stations on the north side of Washington Street between Pennsylvania and Meridian Streets; and

WHEREAS, Section 621-122 of the Revised Code of the Consolidated City and County prohibits stopping, standing or parking at all times on that portion of Washington Street; and

WHEREAS, Section 621-116(b) of the Revised Code provides that no person shall park a vehicle on any street in the city for the primary purpose of displaying advertising of any nature; and

WHEREAS, Section 645-211 of the Revised Code prohibits a person from indefinitely or permanently occupying a public right-of-way without Council approval; and

WHEREAS, nothing in the Revised Code authorizes the executive branch to unilaterally allow a private company to have permanent parking spaces on a street where by ordinance parking is not permitted at any time; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Council requests Blue Indy to remove its cars from the north side of Washington Street between Pennsylvania and Meridian Streets within 60 days of the passage of this resolution.

SECTION 2. If Blue Indy has not voluntarily removed its cars within 60 days of the passage of this resolution, then the Council will expect the appropriate authorities to enforce Sections 621-122, 621-116(b) and 645-211 of the Revised Code with respect to those vehicles.

SECTION 3. The Council further expects Blue Indy to comply with Section 645-211 and all other applicable sections of the Revised Code with respect to the construction of its charging stations.

SECTION 4. This resolution shall be in effect upon adoption and compliance with Indiana Code § 36-3-4-14.

PROPOSAL NO. 247, 2015. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 247, 2015 on September 9, 2015. The proposal, sponsored by Councillor Moriarty Adams, approves the restatement of the Marion County Sheriff's Department Personnel Retirement Plan to incorporate three prior amendments and to amend the Plan to comply with recent federal legislation. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor Pfisterer for adoption. Proposal No. 247, 2015 was adopted on the following roll call vote; viz:

*29 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson*  
*0 NAYS:*

Proposal No. 247, 2015 was retitled GENERAL RESOLUTION NO. 16, 2015, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 16, 2015

A PROPOSAL FOR A GENERAL RESOLUTION to approve a restatement of the Marion County Sheriff's Department Personnel Retirement Plan to incorporate three (3) prior amendments to the Plan into the Plan document and to amend the Plan to comply with recent federal legislation which amended the Employee Retirement Income Security Act (ERISA) and the Internal Revenue Code of 1986, as amended, effective January 1, 2015; and

WHEREAS, the Marion County Sheriff's Department Personnel Retirement Plan was established by the Marion County Sheriff's Office, Indianapolis, Indiana, effective January 1, 1963, the Plan was completely restated effective January 1, 2008, and has been amended three (3) times; and

WHEREAS, ERISA and the Internal Revenue Code have been amended requiring changes to the Plan, and the Marion County Sheriff's Office desires to comply with such requirements to maintain the tax-qualified status of the Plan pursuant to the Internal Revenue Code; and

WHEREAS, by Section 11.01 of the Marion County Sheriff's Department Personnel Retirement Plan, the Marion County Sheriff's Office reserved the right to amend the plan as provided for by state law; and

WHEREAS, state law mandates that a department may not establish or modify a retirement plan without approval of the county fiscal body; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1: Pursuant to the specific authority granted by Indiana Code 36-8-10-12, the restatement of the Marion County Sheriff's Department Personnel Retirement Plan shall be and hereby is approved.

SECTION 2. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code Sec. 36-3-4-14.

PROPOSAL NO. 248, 2015. Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal No. 248, 2015 on August 31, 2015. The proposal, sponsored by Councillors Adamson, Cain, Hickman, McQuillen, Miller, Oliver, Osili and Scales, approves the issuance of notes by the Metropolitan Development Commission as part of the HUD

Section 108 Loan Guarantee Program to support the Meadows Community Foundation Retail Center. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Sandlin stated that this is an important proposal, and he fully supports it. He urged the administration to continue to look at areas throughout the city that lack grocery stores and bring them to other areas, too.

Councillor Oliver said that this area is a food desert with no grocery store in a two-mile radius each direction, only gas stations with junk food. He said that this is badly needed, and he fully supports the proposal.

Councillors Hickman and Scales agreed, thanked all who helped to make this happen and said that it is a long time coming and a key to the revitalization of the Meadows area moving forward.

Councillor Miller said that he would suggest asking those receiving tax incentives to adhere to the workers' bill of rights just passed at a previous meeting. He said that Indianapolis is the ninth poorest city in the United States according to U.S. News, and this would go far in creating good jobs.

Councillor Robinson said that it is hypocritical to applaud themselves for giving a loan for \$1.3 million for a much needed grocery store in an impoverished area, as opposed to handing out \$23 million loan-free for luxury condos.

Councillor Adamson said that it is his honor to cosponsor this proposal, and he is proud for the hard work and determination to make this happen, as it was desperately needed. He said that he is proud that they were able to all work together on this issue.

Councillor Robinson moved, seconded by Councillor Adamson, for adoption. Proposal No. 248, 2015 was adopted on the following roll call vote; viz:

*29 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson*  
*0 NAYS:*

Proposal No. 248, 2015 was retitled GENERAL RESOLUTION NO. 17, 2015, and reads as follows:

**CITY-COUNTY GENERAL RESOLUTION NO. 17, 2015**

PROPOSAL FOR A GENERAL RESOLUTION to authorize the Metropolitan Development Commission, acting as the Redevelopment Commission of Marion County, and the Department of Metropolitan Development to execute debt obligation in an amount not to exceed One Million Six Hundred Dollars. The proceeds of the debt obligation will be distributed to the Meadows Community Foundation in the form of a loan that they will use to acquire 13 acres of land to construct a grocery store.

WHEREAS, the United States Department of Housing and Urban Development (HUD) under its section 108 loan guarantees (24 CFR Part 570 subpart M), offers communities a source of financing for certain community development activities; and

WHEREAS, such loan guarantees may be used to aid in the creation of jobs and aid in the elimination or prevention of slums and blight; and

September 14, 2015

WHEREAS, the City County Council of Indianapolis - Marion County previously authorized the Metropolitan Development Commission to submit an application to the Department of Housing and Urban Development for such a loan guarantee; and

WHEREAS, the Department of Metropolitan Development has determined that a project spearheaded by the Meadows Community Foundation whereby the Meadows Community Foundation will use the funds to acquire land, construct a grocery store and develop a retail center that will include a Goodwill store; and

WHEREAS, HUD requires the applicant (the city) to execute debt obligations and to pledge its current and future Community Development Block Grant (CDBG) funds as the principal security for the loan guarantee; and

WHEREAS, HUD may require additional security including, but not limited to, revenue from the project; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby authorizes the Metropolitan Development Commission and the Department of Metropolitan Development to execute such documents as may be required in order to implement the application and issue debt obligations, in the form of Promissory Notes, thereto in an amount not to exceed One Million Six Hundred Dollars.

SECTION 2. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14.

Councillor Adamson reported that the Public Works Committee heard Proposal Nos. 250-257, 2015 on August 27, 2015. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 250, 2015. The proposal, sponsored by Councillor Hunter, authorizes a speed limit reduction on North Audubon Road between East Pleasant Run Parkway South Drive and East Michigan Road (District 21). PROPOSAL NO. 251, 2015. The proposal, sponsored by Councillor Freeman, authorizes a speed limit reduction on South Elizabeth Street between Southeastern Avenue and East Troy Avenue (District 25). PROPOSAL NO. 252, 2015. The proposal, sponsored by Councillor Gray, authorizes parking restrictions on Crown Street, from Hampton Drive to 44th Street (District 8). PROPOSAL NO. 253, 2015. The proposal, sponsored by Councillor Freeman, authorizes a speed limit reduction on South Post Road near the I-74 ramp system (District 25). PROPOSAL NO. 254, 2015. The proposal, sponsored by Councillor Hunter, authorizes parking restrictions on Ritter Avenue from Pleasant Run Parkway South Drive to Bonna Avenue (District 21). PROPOSAL NO. 255, 2015. The proposal, sponsored by Councillors Oliver, Moriarty Adams and Hunter, authorizes parking restrictions on 10th Street from Emerson Avenue to Arlington Avenue (Districts 10, 17 and 21). PROPOSAL NO. 256, 2015. The proposal, sponsored by Councillor Cain, authorizes intersection controls on North Hague Road (District 5). PROPOSAL NO. 257, 2015. The proposal, sponsored by Councillor Sandlin, authorizes intersection controls on East County Line Road (District 24). By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Adamson moved, seconded by Councillor Gray, for adoption. Proposal Nos. 250-257, 2015 were adopted on the following roll call vote; viz:

*27 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew*

*0 NAYS:*

*2 NOT VOTING: Jackson, Oliver*

Proposal No. 250, 2015 was retitled GENERAL ORDINANCE NO. 55, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 55, 2015

A PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County and establishing speed limits on North Audubon Road.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-323, Alteration of prima facie speed limits, be and the same is hereby amended by the addition of the following, to wit:

*North Audubon Road*, between East Pleasant Run Parkway South Drive  
and East Michigan Road; 25 mph.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 251, 2015 was retitled GENERAL ORDINANCE NO. 56, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 56, 2015

A PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County and establishing speed limits on South Elizabeth Street.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-323, Alteration of prima facie speed limits, be and the same is hereby amended by the addition of the following, to wit:

*South Elizabeth Street*, between Southeastern Avenue  
and East Troy Avenue; 25 mph.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 252, 2015 was retitled GENERAL ORDINANCE NO. 57, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 57, 2015

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 621, Parking, Standing and Stopping Restricted.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-121, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

*Crown Street*, on the west side, from Hampton Drive to 44<sup>th</sup> Street;

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.



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SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 253, 2015 was retitled GENERAL ORDINANCE NO. 58, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 58, 2015

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-323, Alteration of prima facie speed limits, be, and the same is hereby amended by the deletion of the following, to wit:

*Post Road*, from Interstate 74 to Washington Street, 40 mph,

*Post Road*, from 3300 South Post Road to Northeastern Avenue, 35 mph,

SECTION 2. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-323, Alteration of prima facie speed limits, be, and the same is hereby amended by the addition of the following, to wit:

*Post Road*, from 3300 South Post Road to Washington Street, 40 mph,

*Post Road*, from 3300 South Post Road to Northeastern Avenue, 35 mph,

SECTION 3. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 254, 2015 was retitled GENERAL ORDINANCE NO. 59, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 59, 2015

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 621, Parking, Standing and Stopping Restricted.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-121, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the deletion of the following, to wit:

*Ritter Avenue*, on the west side, from a point 214 feet south of Washington Street to a point 260 feet south of Washington Street;

*Ritter Avenue*, on the west side, from a point 50 feet south of Washington Street to a point 116 feet north of Washington Street;

*Ritter Avenue*, on the west side, from Pleasant Run Parkway, South Drive, to St. Clair Street;

*Ritter Avenue*, on the west side, from Washington Street to a point 260 feet south of the south curbline of Washington Street;

SECTION 2. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-126, Parking time restricted on designated days, be, and the same is hereby amended by the deletion of the following, to wit:

**NINETY MINUTES  
ON ANY DAY EXCEPT SUNDAY**

*From 7:00 a.m. to 6:00 p.m.*

*Ritter Avenue*, on both sides, from Lowell Avenue to Julian Avenue;

SECTION 3. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-121, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

*Ritter Avenue*, on the west side, from Pleasant Run Parkway, South Drive, to Bonna Avenue;

SECTION 4. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 5. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 6. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 255, 2015 was retitled GENERAL ORDINANCE NO. 60, 2015, and reads as follows:

**CITY-COUNTY GENERAL ORDINANCE NO. 60, 2015**

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 621, Parking, Standing and Stopping Restricted.

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-121(b), Parking prohibited at all times on certain streets, be, and the same is hereby amended by the deletion of the following, to wit:

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*Tenth Street*, on the south side, from Campbell Avenue to Arlington Avenue;

*East Tenth Street*, on the south sides, from Leland Avenue to the first alley west of Leland Avenue;

SECTION 2. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours, be, and the same is hereby amended by the deletion of the following, to wit:

**ON ANY DAY EXCEPT SATURDAY AND SUNDAY**

*From 6:00 a.m. to 9:00 a.m.*

*Tenth Street*, on the north side, from Sherman Drive to Bolton Avenue;

*From 3:00 p.m. to 6:00 p.m.*

*Tenth Street*, on the south side, from Sherman Drive to Bolton Avenue;

**NINETY MINUTES ON ANY DAY EXCEPT SUNDAY**

*Tenth Street*, on both sides, from Bancroft Street to Leland Avenue;

SECTION 3. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be, and the same is hereby amended by the deletion of the following, to wit:

*Tenth Street*, on both sides, from Emerson Avenue to Arlington Avenue

SECTION 4. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours, be, and the same is hereby amended by the addition of the following, to wit:

**ON ANY DAY EXCEPT SATURDAY AND SUNDAY**

*From 6:00 a.m. to 9:00 a.m.*

*Tenth Street*, on the north side, from Sherman Drive to Emerson Avenue;

*From 3:00 p.m. to 6:00 p.m.*

*Tenth Street*, on the south side, from Sherman Drive to Emerson Avenue;

SECTION 5. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 6. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 7. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 256, 2015 was retitled GENERAL ORDINANCE NO. 61, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 61, 2015

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
47	Hague Road (9115 N.) Roche Diagnostics	None	Signal

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 257, 2015 was retitled GENERAL ORDINANCE NO. 62, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 62, 2015

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
47	County Line Road (4628 E.) Costco Driveway	None	Signal

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 259, 2015. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 259, 2015 on September 2, 2015. The proposal, sponsored by Councillors Robinson and Mascari, amends the Code to prohibit the purchase, sale and possession of replica firearm mobile phone cases. By a 6-2-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Robinson said that Chief Hite and Public Safety Director Wantz support the proposal, and that schools already have a zero tolerance for gun-like cell phone cases. He said that he did try to find the number of cell phone producers who manufacture these cases, and could not find the answer to that.

Councillor Oliver said that this is a little like criminalization of kids playing with a toy and he would like to see an amendment to fine tune the proposal in the future to consider it as a misdemeanor with a fine, but he will support the proposal.

Councillor Clay said that he has said he will support the proposal, but wants to make it clear that he will be watching it very closely to make sure other problems are not created. He said that he is concerned that this creates another opportunity for law enforcement personnel to stop and detain and query young people, and he has some reservations about it becoming a stop and frisk opportunity for police officers. He said that he understands the good intentions behind it, however, and while he is a bit hesitant or reluctant, he will support the matter this evening.

Councillor Miller said that when drafting the graffiti ordinance, he was told he could not prevent individuals from carrying graffiti implements and this was illegal. He asked if the Department of Code Enforcement (DCE) or IMPD would have the authority to enforce this, and if there is a fine associated, or if the case is simply taken away. General Counsel Fred Biesecker said that there is no reason both DCE and IMPD could not enforce this ordinance. It is not a crime, but IMPD enforces other things that are not crimes, such as parking. He said that there is a catchall provision, and authorities can use discretion with the fine depending on the usage or selling of these cases, but it could be up to \$2,500.

Councillor Pfisterer said that she is in agreement with Councillor Clay, but Councillor Robinson has also persuaded her to support the measure.

Councillor McHenry said that Indianapolis is not an island, and they are surrounded by counties who operate under different laws. She said that people come into the county every day from surrounding counties and are not aware of Marion County's rules, as there is nothing posted at the entrance to the county. She asked how they know they are in violation and how situations like these will be handled.

Councillor Mansfield stated that as with any law, people are required to know the laws of the places they travel to. She said that more and more people are becoming aware of these cell phone cases, and they are seeing more and more local governments step up and deal with the same situation. She said that that the opposite argument of Councillor Clay's is that a youth could get shot carrying one of these cases, because an officer thinks they have a gun. She said that an officer can ask a youth to drop their weapon, but because the youth does not see it as a weapon, they would not immediately drop it. This does not help police, and she said that she believes they will find more and more local governments enacting the same kind of ban.

Councillor Adamson said that there should be a restriction on selling these at flea markets, as well, to make them less accessible, and he supports the proposal.

Councillor Moriarty Adams moved, seconded by Councillor Simpson, for adoption. Proposal No. 259, 2015 was adopted on the following roll call vote; viz:

*22 YEAS: Adamson, Barth, Clay, Evans, Gray, Hickman, Hunter, Jackson, Lewis, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Scales, Shreve, Simpson*  
*7 NAYS: Cain, Freeman, Gooden, Holliday, Lutz, Sandlin, Tew*

Proposal No. 259, 2015 was retitled GENERAL ORDINANCE NO. 63, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 63, 2015

PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County to prohibit the purchase, sale and possession of replica firearm mobile phone cases.

WHEREAS, like other major cities across America, the City of Indianapolis faces the ongoing challenge of combating the scourge of gun violence in our communities; and

WHEREAS, many replica firearms are manufactured in a manner that makes them nearly indistinguishable from working firearms; and

WHEREAS, several foreign manufactured mobile phone cases which have the appearance of 9mm handguns have recently appeared for sale on several online retail outlets; and

WHEREAS, one "Gun Grip Case" features the grip of an actual gun and trigger guard attached to the housing of a phone cover; and

WHEREAS, when placed in a pocket, this product is indistinguishable from a working handgun and could inadvertently result in the use of force by Police; and

WHEREAS, law enforcement officials from New York, New Jersey and Michigan, among others, have advised people not to purchase or use this product; and

WHEREAS, on July 24, 2015, the City Council of the City of Chicago adopted an ordinance prohibiting replica firearm mobile phone cases; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 451 of the "Revised Code of the Consolidated City and County" is hereby amended by adding a new Section 451-5, to read as follows:

**Sec. 451-5. Prohibition on replica firearm mobile phone cases.**

(a) For purposes of this section, the term "replica firearm mobile phone cases" means a mobile phone case made of plastic, wood, metal or any other material, that a person could reasonably perceive as an actual firearm, but that is incapable of being fired or discharged.

(b) It shall be unlawful for any person to purchase, possess, conceal, use, give away or otherwise transfer, or to engage in the business of selling or to exhibit for sale, a replica firearm mobile phone case in the Consolidated City of Indianapolis and Marion County, except as provided in subsection (c) of this section.

(c) The manufacture, marketing, distribution, sale and possession of replica firearm mobile phone cases are permitted if the devices are manufactured, marketed, distributed, sold or held solely for subsequent transportation in intrastate, interstate or foreign commerce.

(d) A violation of this section shall be punishable as provided in Section 103-3 of the Code.

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SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-34-14.

## NEW BUSINESS

President Lewis wished Councillors Oliver and Hickman a very happy anniversary, as they both reach a milestone of being married for 50 years.

## ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor McQuillen stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Cain in memory of Janice Irene Bosma, Maxine Louise Maultra and Liz Day;
- (2) Councillor Sandlin in memory of Russell Douglas Dillard, III; and
- (3) Councillor Holliday in memory of Roy Fahrbach; and
- (4) Councillors Pfisterer and Moriarty Adams in memory of Gregory A. Stout, Joseph E. Lucas and Robert M. Post; and
- (5) Councillor Jackson in memory of Jane Miller Wright, Pastor Larry Miles, Sr., Leon Buckhalter, Timothy Wynn and Kay Nagey; and
- (6) Councillor Lewis in memory of Kathleen Elmore, Shirley Smith and Henrietta Lawrence.

Councillor McQuillen moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Janice Irene Bosma, Maxine Louise Maultra, Liz Day, Russell Douglas Dillard, III, Roy Fahrbach, Gregory A. Stout, Joseph E. Lucas, Robert M. Post, Jane Miller Wright, Pastor Larry Miles, Sr., Leon Buckhalter, Timothy Wynn, Kay Nagey, Kathleen Elmore and Shirley Smith and Henrietta Lawrence. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:30 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 14th day of September, 2015.

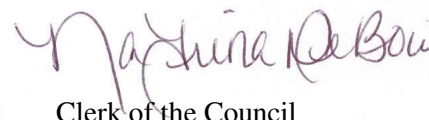
In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



Maggie A. Lewis

President

ATTEST:



Maxine DeBow

Clerk of the Council

(SEAL)